

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
GEORGIA ATLANTA DIVISION**

CHARLES TURNER,

Plaintiff,

v.

CIVIL ACTION FILE NO.

QUIKTRIP CORPORATION,

Defendant.

NOTICE OF REMOVAL

COMES NOW, Defendant QuikTrip Corporation, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, files this Notice of Removal of the above-styled action to the United States District Court for the Northern District of Georgia, Atlanta Division, and in support thereof, Defendant shows this Court as follows:

1.

This is a personal injury matter arising out of an alleged slip and fall that occurred on December 11, 2021.

2.

The original suit, styled as Charles Turner v. QuikTrip Corporation, Civil Action File No. 23A00049, was filed in the State Court of DeKalb County,

Georgia on January 5, 2023. Timely Defenses and Answer were filed on February 8, 2023.

3.

Copies of the Complaint and Defenses and Answer filed in the State Court of DeKalb County are attached hereto as Exhibit “A.” A copy of all other pleadings filed in this action, which are or may be required to be filed along with this Notice pursuant to 28 U.S.C. § 1446(a) are attached hereto as Exhibit “B.”

4.

This Notice is filed within the timeframe specified in 28 U.S.C. § 1446(b).

5.

Plaintiff is a resident of the State of Georgia. (Exhibit “A” Plaintiff’s Complaint for Damages).

6.

QuikTrip Corporation is an Oklahoma corporation with its principal place of business in Oklahoma.

7.

This action is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C.A. § 1332 and is, accordingly, removable to this Court pursuant to 28 U.S.C. § 1441. The matter in controversy exceeds \$75,000.00, exclusive of interest and costs, and the Action is between citizens of different

states.

8.

The Plaintiff in this action seeks to recover, at least, \$96,866.77 in claimed past medical expenses. He is also seeking damages for pain and suffering. Thus, the jurisdictional threshold of \$75,000 is met in the present action.

9.

Defendant will this date give written notice of the filing of this Notice of Removal to adverse parties as required by 28 U.S.C. § 1446(d).

10.

All conditions precedent to removal have been satisfied.

WHEREFORE, Defendant prays that the above-entitled action now pending in the State Court of DeKalb County, Georgia be removed therefrom to this Court.

This 9th day of February, 2023.

Respectfully submitted,

DOWNEY & CLEVELAND, LLP

By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698
hynes@downeycleveland.com
Attorneys for Defendant

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D) of the Northern District of Georgia, I hereby certify that this pleading has been prepared in compliance with Local Rule 5.1(C) using 14 point Times New Roman.

Respectfully submitted,

DOWNEY & CLEVELAND, LLP

By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698
hynes@downeycleveland.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that I have this day served the following counsel of record with a true and correct copy of the foregoing pleading via electronic service and/or by depositing said copy in the United States Mail, with sufficient postage affixed thereon, and properly addressed to the following:

Daniel A. Brown, Esq.
The Law Office of Daniel A. Brown
1001 Virginia Avenue, Suite 350
Atlanta, Georgia 30354

This 9th day of February, 2023.

DOWNEY & CLEVELAND, LLP

By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698

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